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VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

**Re: Modernizing the Form 477, WC Docket No. 11-10
Rural Digital Opportunity Fund, WC Docket No. 19-126**

Dear Ms. Dortch,

On June 11, 2019, Steve Morris and Jennifer McKee of NCTA – The Internet & Television Association, Christianna Barnhart and Johnathan Sargent of Charter Communications, Jennifer Prime and Barry Ohlson on behalf of Cox Communications, and Justin Forde and Derek Reickmann of Midcontinent Communications, met with Kris Monteith, Giulia McHenry, Kirk Burgee, Justin Faulb, Steve Rosenberg, Ken Lynch, Chelsea Fallon, Mike Ray, Katie King, Jesse Jachman, and Ying Ke of the Wireline Competition Bureau and Office of Economics and Analytics to discuss the above-referenced proceedings.¹

In the meeting, NCTA explained that there is broad, bipartisan support for reforming the Form 477 reporting system to require that providers report broadband availability by submitting polygon shapefiles (i.e., electronic coverage maps) that represent the geographic area where a provider offers service. Since NCTA submitted its proposal to move to polygon shapefile reporting in February 2019,² a wide variety of parties have expressed support for that proposal.³ In addition, numerous congressional delegations have expressed support for a move to polygon shapefile reporting.⁴ No other proposal in the record has addressed the question of how broadband providers

¹ *Modernizing the Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017); Public Notice, *New Docket for Rural Digital Opportunity Fund*, WC Docket No. 19-126, DA 19-361 (Apr. 30, 2019).

² See Letter from Steve Morris, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Feb. 28, 2019) (NCTA Proposal).

³ See, e.g., Letter from Rosa Mendoza, ALLvanza, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (May 29, 2019); Letter from Brent Legg, Connected Nation to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (May 17, 2019); Letter from Michael Romano, NTCA – The Rural Broadband Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Apr. 30, 2019).

⁴ See, e.g., Letter from Senator Michael Bennet, et al., to Chairman Ajit Pai, Federal Communications Commission, (May 29, 2019) (Colorado delegation letter); Letter from Senator Ron Johnson, et al., to Chairman Ajit Pai, Federal Communications Commission, (May 17, 2019) (Wisconsin delegation letter); Letter from Senator John Thune, et al., to Chairman Ajit Pai, Federal Communications Commission, (May 9, 2019) (South Dakota delegation letter); Letter

should report availability at the same level of detail and no other approach has generated the same level of support.

As described previously, regardless of the format for reporting broadband availability, the Commission should address concerns regarding the definition of what areas should be identified as served for purposes of the Form 477 reporting regime.⁵ NCTA explained that any revision to the reporting requirements should make clear that areas where a provider can respond to a request for service in a standard installation interval without special construction charges should be reported as served. We further explained that this definition should include areas where it may be necessary for a provider to extend a drop from the network to the home or business (e.g., for a home that has not previously purchased service from the provider), but not for locations where the network itself must be extended at the customer's expense.

We also discussed NCTA's proposal to incorporate crowdsourcing to supplement the review of Form 477 filings by Commission staff.⁶ We explained that feedback from consumers can be useful in refining the accuracy of any maps the Commission produces, but that such information, particularly online speed test data, may not accurately represent the performance or availability of the service provided and therefore should be used to inform future filings by providers only where it proves to be accurate. We view the submission of such consumer data and any review process as more informal than, and separate from, the type of challenge process the Commission may decide to conduct in anticipation of distributing support.

NCTA also addressed the relationship between our proposal for reform of the Form 477 reporting regime and the proposal advanced by the Broadband Mapping Consortium to create a broadband location fabric that can be used as a background for displaying broadband availability data.⁷ We emphasized that the decision whether the Commission should devote time and money to creation of the proposed location fabric is separate from the reporting questions identified in the Form 477 proceeding and that are addressed by NCTA's proposal. We also explained that existing tools in use at other federal and state agencies already can provide significant information regarding the location of homes and businesses in unserved areas. For example, the Rural Utilities Service has created a mapping tool for the distribution of support under its ReConnect program that enables a provider to draw or upload polygon shapefiles and to display those shapefiles on a variety of background maps, including some that deploy satellite imagery or otherwise identify the location of homes and businesses in unserved areas.⁸

While the proposed location fabric is ostensibly designed to provide more precise latitude and longitude information on the location of unserved homes and businesses than existing tools, it does so at significant cost to the Commission and it will take a significant period of time for the Commission to develop. We also noted that there are numerous unresolved questions regarding how the proposed location fabric will work in the real world, including what process will be used for

from Senator Jerry Moran, et al., to Chairman Ajit Pai, Federal Communications Commission, (May 6, 2019) (Kansas delegation letter).

⁵ See Letter from Steve Morris, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 at 2 (Apr. 10, 2019).

⁶ NCTA Proposal at 3.

⁷ See Letter from Lynn Follansbee, USTelecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Mar. 21, 2019).

⁸ U.S. Department of Agriculture, Mapping Tool, <https://www.usda.gov/reconnect/mapping-tool>.

verifying the accuracy of the roughly 150 million locations that will be catalogued and how that data will be updated to reflect both the addition of locations through new construction and the deletion of locations lost to hurricanes, floods, wildfires, and other natural disasters. In addition, we explained that requiring submission of a polygon shapefile that is a visual representation of the provider's service area will result in fewer errors than filing a list of millions of census blocks or tens of millions of addresses or location identification codes. Not only should such an approach reduce the number and magnitude of filing errors, but reviewing a visual representation of the service area also should make it easier for Commission staff to spot any errors that are made.

NCTA expressed concern that waiting for the completion of the location fabric before moving ahead with reforms to the reporting requirements would mean that distribution of the Rural Digital Opportunity Fund (RDOF) would either be delayed or hampered by the use of inadequate data. We fully support creation of this new funding mechanism on a schedule that would end the Connect America Fund Phase II in 2020 as scheduled.⁹ Given that the Commission has not yet issued a Notice of Proposed Rulemaking to create the RDOF, we believe the Commission should have sufficient time to reform the Form 477 reporting regime as we have proposed and use the resulting data in support of the RDOF. Specifically, if the Commission were to adopt NCTA's proposal when it considers these matters at its August agenda meeting,¹⁰ the Commission could be in position to collect improved data as part of the September 2020 Form 477 filing cycle. Indeed, given the timing announced by the Chairman for considering Form 477 reform and for moving ahead with the RDOF, we believe that adoption of the NCTA proposal is the best path forward to meaningfully improve the Commission's broadband data.

Respectfully submitted,

/s/ **Steven F. Morris**

Steven F. Morris

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⁹ *Connect America Fund*, WC Docket Nos. 10-90, 14-58, and 14-192, Report and Order, 29 FCC Rcd 15644, 15656, ¶ 31 (2014).

¹⁰ *Pai to Circulate Order Requiring More Accurate Broadband Data*, Multichannel News (June 12, 2019), <https://www.multichannel.com/news/pai-to-circulate-order-requiring-more-accurate-broadband-data>.